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December 18, 2013

VIA ECF

Hon. Alison J. Nathan, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Nials, et al. v. Bank of America, N.A., et al.
Case No: 13-CV-05720-AJN

Dear Judge Nathan:

This firm represents Defendants JPMorgan Chase Bank, National Association, as acquirer of certain assets and liabilities of Washington Mutual Bank from the Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank ("Chase"), Federal National Mortgage Association ("Fannie Mae") and Mortgage Electronic Registrations Systems, Inc. ("MERS") (collectively, the "Defendants") in the above-referenced action. We write to respectfully advise the Court that the Hon. Paul I. Marx, J.S.C. inadvertently issued a Decision and Order dismissing the Complaint of *Pro Se* Plaintiffs Shamaine D. Nials and Matthew A. Nials ("Plaintiffs") against Defendants in the action that had been previously pending in the Supreme Court of the State of New York, County of Orange, but that has since been removed to this Court (Index No. 4967/2013). A copy of the state court Decision and Order is enclosed for the Court's convenience.

As the Court may recall, Plaintiffs commenced this action by filing a Summons and Complaint, dated June 14, 2013 in state court. Defendants filed a Motion to Dismiss Plaintiffs' Complaint on or about July 19, 2013 in state court. This action was subsequently removed to this Court from state court on August 15, 2013, by Codefendant Federal Deposit Insurance Corporation ("FDIC"). On that date, the FDIC filed a Notice of Removal in this Court and a Notice of Filing of Notice of Removal in state court. Both Codefendant FDIC and Codefendant Bank of America, N.A. ("BANA") then filed separate motions to dismiss Plaintiffs' Complaint on or about August 22, 2013. On September 3, 2013, Defendants filed a letter with this Court advising of their Motion to Dismiss filed in state court, and respectfully requested that the Court grant the relief requested therein.

Subsequent to the Order of this Court, dated October 15, 2013, and a telephone discussion with your law clerk, Defendants understand that their motion is presently pending before this Court, Plaintiffs have not submitted any opposition thereto, and Defendants thus respectfully await this Court's ruling on their motion. We further note that we have advised the state court of the procedural posture of this action and Justice Marx has indicated that he intends to issue a new order withdrawing the Decision and Order. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Anthony W. Vaughn, Jr.

Anthony W. Vaughn, Jr.

Enclosure

cc: All Counsel of Record (via ECF)
Pro Se Plaintiffs Shamaine D. Nials and Matthew Nials (via FedEx)